

**REMARKS**

Claims 1-20 have been canceled. Claim 21 has been amended. Reconsideration and withdrawal of all outstanding rejections and objections is requested in light of the foregoing amendments and the following remarks.

In addition, although not mentioned in the Office Action dated June 15, 2006, claims 30-59 have been withdrawn; however, the Examiner has indicated that claim 21 represents a generic claim and that upon allowance of a generic claim, Applicant will be entitled to consideration of claims to additional species. See Office Action mailed April 7, 2006, at p. 2. Applicants submit that claim 21 is currently in condition for allowance, and accordingly, consideration should be given to claims 30-59.

The drawings stand objected to for failing to label FIGS. 1A-1D and 2 as "prior art." Appropriate correction has been made on the set of replacement drawings submitted herewith. Withdrawal of the objection is requested.

Claims 21-27 stand rejected under 35 U.S.C. 102(e) as being anticipated by Applicants' Admitted Prior Art ("AAPA"). Reconsideration and withdrawal of the rejection is requested.

The present invention, as embodied by independent claim 21, relates to an electrode structure having a first, second and third conductive layer and an adhesion layer formed in an opening in a dielectric layer. Specifically, independent claim 21 recites "an adhesion layer in [an] opening in [a] dielectric layer and over said exposed portion of [a] first conductive layer; a second conductive layer formed at least partially over said adhesion layer, wherein said second conductive layer and said adhesion layer are recessed within said opening in said

dielectric layer; and a third conductive layer formed over and at least partially in contact with said second conductive layer and said adhesion layer.”

Unlike the claimed invention, FIG. 2 (as cited in the Office Action as the relevant AAPA), shows a memory structure having an adhesion layer 110 and conductive layer 112 formed in a recess of a dielectric layer 104, but having a memory element 200 separating these layers (110, 112) from an additional top conductive layer 210. Therefore, contrary to the Office Action’s assertion, the top conductive layer 210 shown in FIG. 2 does not meet the limitations of the claimed “third conductive layer” which is formed “over and at least partially in contact with said second conductive layer and said adhesion layer within said opening” as recited by claim 21.

For at least these reasons, AAPA does not anticipate the claimed invention as embodied by independent claim 21. Claims 22-27 depend from claim 21 and contain all of the limitations recited therein. Withdrawal of the rejection is therefore requested.

Claims 28-29 stand rejected under 35 U.S.C. 103(a) as being unpatentable over AAPA in light of U.S. Patent No. 5,914,851 to Saenger et al. (“Saenger”). Reconsideration and withdrawal of the rejection is requested.

Claims 28-29 are dependent from claim 21 and contain all of the limitations recited therein. For whatever Saenger teaches regarding use of the same material for multiple conductive layers in an electrode structure, Saenger does not cure the deficiencies of the APA as discussed above. Accordingly, claims 28-29 are submitted to be allowable for at least the reasons stated above regarding the allowability of claim 21.

Favorable action on the application, including claims 21-59, is solicited.

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Respectfully submitted,

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